

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

20-cr-601 (PKC)

-v-

FERNANDO RA,

ORDER

Defendant.

CASTEL, Senior District Judge:

On March 2, 2022, defendant was sentenced principally to a term of imprisonment of 216 months total, consisting of 156 months' imprisonment on Counts 4 and 6 to run concurrently and 60 months' imprisonment on Count 2 to run consecutively. (Minute Entry; ECF 116.)

Defendant moved for a sentence reduction (ECF 216) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively.

The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction. (ECF 219.)

Defendant is eligible to receive a "Status Points" adjustment because he received an enhancement for committing the instant offense while under a criminal justice sentence. He is not eligible for a "Zero-Points Offender" reduction because he did not have zero criminal history points.

With the amended total criminal history points, his Criminal History Category ("CHC") is reduced from CHC III to CHC II. However, at Total Offense Level of 35 and Criminal History Category II, his revised Guidelines range would be 248 to 295 months' imprisonment.

His original sentence of principally 216 months' imprisonment is lower than the amended Guidelines range and hence he is ineligible for a reduction.

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 216) is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: April 16, 2024
New York, New York

COPY MAILED TO:

Fernando Ra
Reg. No. 16166-509
FCI Berlin
Federal Correctional Institution
P.O. Box 9000
Berlin, NH 03570